

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

|                             |          |                            |
|-----------------------------|----------|----------------------------|
| <b>JOYCE R. MONGER</b>      | <b>:</b> | <b>CIVIL ACTION – LAW</b>  |
|                             | <b>:</b> |                            |
| <b>v.</b>                   | <b>:</b> | <b>NO.: 02-CV-2757</b>     |
|                             | <b>:</b> |                            |
| <b>SALOMON J. BERENHOLZ</b> | <b>:</b> | <b>JURY TRIAL DEMANDED</b> |

**MOTION TO COMPEL ANSWERS TO  
INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS**

1. On August 23, 2002, counsel for defendant forwarded to counsel for plaintiff Defendant's Interrogatories to be Answered by Plaintiff – First Set and Defendant's Request for Production of Documents. A true and correct copy of the Interrogatories and Request for Production are attached hereto as Exhibits "A" and "B", respectively.
2. On September 26, 2002, counsel for defendant wrote to counsel for plaintiff and requested advice respecting the overdue answers to the Interrogatories and Request for Production. A true and correct copy of the aforesaid letters are attached hereto as Exhibit "C."
3. Despite having received the above-described discovery requests more than two months ago, and despite having received the above-described letter more than one month ago, no answer or other response to either the Interrogatories or the Request for Production, or to the letter from defendant's counsel to plaintiff's counsel, has been received.
4. This Motion is filed pursuant to Local Rule of Civil Procedure 26.1(g).

**WHEREFORE**, defendant requests that the Court enter an Order in the suggested form attached hereto, requiring that the plaintiff file responses to the aforesaid discovery requests, and that the Court grant such other relief as it may deem appropriate.

**POWELL TRACHTMAN LOGAN CARRLE  
BOWMAN & LOMBARDO, P.C.**

By: \_\_\_\_\_

Michael G. Trachtman  
Attorney I.D. No.: 19525  
475 Allendale Road, Suite 200  
King of Prussia, PA 19406  
(610) 354-9700

Date: \_\_\_\_\_

Attorney for Defendant

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOYCE R. MONGER : CIVIL ACTION – LAW  
v. :  
SALOMON J. BERENHOLZ : NO.: 02-CV-2757  
: JURY TRIAL DEMANDED

**CERTIFICATE OF SERVICE**

The undersigned counsel for defendant hereby certifies that on this date a true and correct copy of the foregoing Defendant's Motion To Compel Answers To Interrogatories And Request For Production Of Documents was served upon counsel for plaintiff via and U.S. First Class Mail, postage prepaid, addressed as follows:

Gary A. DeVito, Esquire  
*Zarwin Baum DeVito Kaplan O'Donnell & Schaer, PC*  
1515 Market Street, Suite 1200  
Philadelphia, PA 19102  
(Attorney for Plaintiff)

**POWELL TRACHTMAN LOGAN CARRLE  
BOWMAN & LOMBARDO, P.C.**

By: \_\_\_\_\_  
Michael G. Trachtman

Date: \_\_\_\_\_

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**ORDER**

**AND NOW**, this \_\_\_\_\_ day of \_\_\_\_\_, 2002, plaintiff is hereby ORDERED to fully and completely answer, without objection, Defendant's Interrogatories To Be Answered by Plaintiff – First Set and Defendant's Request For Production Of Documents, within 10 days from the date hereof. Upon plaintiff's failure to comply herewith, the Court shall enter additional sanctions on plaintiff, which may include dismissal of the plaintiff's Complaint, upon further application by defendant.

**BY THE COURT:**

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**J.**

**UNITED STATES DISTRICT COURT  
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**JOYCE R. MONGER** : **CIVIL ACTION – LAW**  
: **NO.: 02-CV-2757**  
**v.** :  
**SALOMON J. BERENHOLZ** : **JURY TRIAL DEMANDED**

**CERTIFICATION PURSUANT TO LOCAL RULE 26.1(f)**

I hereby certify that on September 26, 2002, I wrote to Gary A. DeVito, Esquire, counsel for the plaintiff, asking for his advice in respect to his intentions regarding the outstanding discovery requests, in the effort to avoid the necessity of filing the instant motion. I further certify that I have no record or recollection of having received any oral or written response to said letter.

**POWELL TRACHTMAN LOGAN CARRLE  
BOWMAN & LOMBARDO, P.C.**

By: \_\_\_\_\_  
Michael G. Trachtman

Date: \_\_\_\_\_